



U.S. DEPARTMENT of STATE

Paraguay

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Paraguay is a constitutional republic with three branches of government. The President is the head of government and head of state; he cannot succeed himself. In April 2003, voters elected Nicanor Duarte Frutos of the Colorado Party as President in generally free and fair elections. Duarte was inaugurated in August 2003. The Congress consists of a 45-member Senate and an 80-member Chamber of Deputies. An alliance of five opposition parties and dissident members of the governing Colorado Party controlled the Chamber of Deputies, while the five opposition parties in coalition controlled the Senate. The Constitution provides for an independent judiciary; however, the courts remained inefficient and subject to corruption and political pressure.

The National Police has responsibility for maintaining internal security and public order and reports to the Ministry of the Interior. On several occasions during the year, especially in response to unrest and land invasions in the countryside, the Government called on the military to assist the police in maintaining public order. The civilian authorities generally maintained effective control of the security forces. Members of the security forces committed some human rights abuses.

The country has a market economy with a large state presence and a large informal sector. The population was approximately 6.2 million. An estimated 45 percent of the workforce was employed in agriculture, which provided 21 percent of the gross domestic product (GDP) and more than 90 percent of export earnings. In 2003, real GDP grew 2.6 percent after falling by nearly a third over the preceding decade.

The Government generally respected the human rights of its citizens in most areas; however, there were serious problems in some areas. There were killings by the police and military. Incidents of abuse of convicted prisoners and other detainees continued. The Human Rights Ombudsman prosecuted cases of human rights abuses committed during the 1954-89 Stroessner regime, and members of a commission charged with investigating these abuses were named and began work. Prisons were overcrowded and violent. Other problems included arbitrary arrests and detention, lengthy pretrial detention, corruption and inefficiency in the judiciary, and infringements on citizens' privacy rights. The Government continued its steps to reduce illegal military conscription, and treatment of conscripts improved; however, recruitment and conscription of minors has not been completely eliminated. Police used force against illegal but peaceful demonstrations. Continuing problems included violence and discrimination against women, trafficking in persons, discrimination against persons with disabilities and indigenous people, inadequate protections of worker rights, as well as child labor and child abuse.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, the police and military were responsible for some killings involving the use of unwarranted or excessive force. There were reports that police officers killed persons while acting outside the scope of their duties and of deaths in custody.

In May, police officer Carlos Francisco Meyeregger was arrested for shooting and killing an assistant prosecutor in Paraguari. The prosecutor had attempted to question the officer about allegations that he was involved in the theft of livestock.

In June, authorities arrested four police officers, Angel Cantero, Mauro Luis Benitez Amarilla, Edgar German Insfran, and Jose Dolores Amarilla Jara, and charged them with the murder of two brothers, Roberto Orlando and Javier Glitz Velazquez. According to the indictments, the killings were related to the officers' involvement in drug trafficking.

There were no developments in the case of Adrian Martinez, a member of the National Police, who was arrested in September 2003 and charged with killing two 15-year-old boys.

In August, police officer Roque Fretes Benitez was convicted of the 2002 murder of Cynthia Celeste Fretes Leguizamón and sentenced to 12 years in prison.

No new information was available on the investigation into the 2002 police killing of rural demonstrator Calixto Cabral.

There were no new developments in the pending trial of police officer Adan Ramirez Olazar in the 2002 killing of Roberto Carlos Paniagua Jara.

Police used force to disperse illegal protesters on several occasions, particularly in connection with land invasions, resulting in deaths and injuries on both sides (see Section 2.b.).

There were no new developments, and none were expected, in the case of former President Raul Cubas who was freed from house arrest in June 2003, while facing charges over the deaths of seven demonstrators in 1999. Although a judge declared that Cubas bore no responsibility for the deaths, the charges formally remained in place.

In 2002, lawyers from the Committee of Churches, a nongovernmental organization (NGO), petitioned the Foreign Ministry to continue prosecuting a motion to extradite former President Stroessner from Brazil to stand trial for a murder committed in 1977. The petition remained pending. In an unrelated case, in September, a judge requested Stroessner's extradition from Brazil and summoned the former head of the armed forces and 30 other retired military officers for questioning in relation to the disappearances of three political figures between 1976 and 1978. There has been no response to the extradition request, which the Government neither endorsed nor opposed.

b. Disappearance

There were no reports of politically motivated disappearances.

Political figures Juan Arrom and Anuncio Martí, accused of kidnapping Maria Edith Bordon de Debernardi, remained in Brazil, where they were granted political asylum in 2003. Brazil rejected the government's request for their return. In October, Interpol authorities in Spain detained Martí, who was traveling to a conference in Madrid with a Brazilian travel document. The Government requested Martí's extradition, but Spanish authorities allowed Martí to attend the conference and return to Brazil. Arrom and Martí accused police, with the complicity of a cabinet minister, of kidnapping and torturing them over a 2-week period in early 2002. Carmen Villalba, an accused accomplice arrested in 2003, escaped from the women's prison at Buen Pastor but was recaptured.

The Supreme Court maintained documents related to abuses committed during the Stroessner regime in an Archives of Terror that were available for research by academics and the general public. During the investigation of the alleged Arrom/Martí abduction, authorities discovered additional documents that were added to the Archives.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, torture (primarily beatings) and brutal and degrading treatment of convicted prisoners and other detainees continued. The Paraguay Human Rights Coordinating Board (CODEHUPY)--a group of 32 NGOs, civic organizations, and trade unions--reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees. The Attorney General's office and the NGO Committee of Churches compiled numerous examples of police abuse.

In April, an air force colonel accused his superior and a fellow officer of beating him for refusing to obey an alleged order to falsify a weapons inventory. A military investigation found the charges unsubstantiated.

In July, Ramon Benitez Irala, accused of involvement in a fight at a street party in Hernandarias, was shot when police raided his apartment. The officers held him incommunicado in a cell for 8 days and refused to allow him to be treated for three bullet wounds. The officers were not charged.

In September, the Inter-American Court of Human Rights found the Government liable for a fire in 2000 at the Panchito Lopez juvenile detention facility and imposed a fine of \$5 million.

There were no developments, and none were expected, in the case of Elvio Riquelme, who claimed in September 2003 that four policemen tortured him in the course of questioning.

Police used force to disperse illegal protesters on several occasions, especially in connection with land invasions in the countryside, resulting in deaths and injuries on both sides (see Section 2.b.).

The Constitution allows the Human Rights Ombudsman (Defensor del Pueblo) to prosecute and seek monetary compensation in cases of human rights abuses stemming from the 1954-89 Stroessner regime. Since his appointment in 2001, the Ombudsman,

Manuel Paez Monges, has ruled that 596 of 1,646 victims who filed petitions pursuant to a Senate resolution were entitled to compensation, and awards in the resolved cases ranged from \$583 to \$17,500 (3.5 to 105 million guaranías). In August, the country inaugurated a Truth and Justice Commission to investigate and document human rights abuses between 1954 and October 2003. The Government requested that the U.N. release confidential documents relevant to the Commission's investigation.

There were several reports, most recently in November and December, of members of the military harassing and beating civilians living near a military base in Puerto Falcon and, in two cases, leaving unexploded ordnance in civilians' backyards. The reason for such incidents was unclear.

Prison facilities were deficient, and prison conditions were extremely poor. Overcrowding, unsanitary living conditions, and mistreatment were the most serious problems affecting all prisoners. Tacumbu Prison--the largest in Asunción--was built to hold 800 inmates but held over 2,500 for most of the year. A majority of those held were awaiting trial. Regional prisons generally held approximately three times more inmates than originally planned.

There was also a makeshift maximum-security facility for housing dangerous offenders, or those considered to be high escape risks, in solitary confinement. Inmates were held in a facility not designed for prison use nor officially recognized as a prison.

Security was a problem throughout the prison system. For example, there were approximately 130 guards for over 2,500 prisoners at Tacumbu Prison. Inmates frequently had weapons, particularly at the Emboscada prison in Minas. In February, an appeals court ordered that two inmates at Tacumbu receive protective detail after several attempts had been made on their lives within the institution. Escapes and escape attempts were frequent. In August, two inmates were shot to death by guards as they attempted to escape from Tacumbu. In September, 10 inmates escaped from the Itapúa facility in Encarnación, severely injuring a guard who confronted them. There were a number of instances of prisoners killing other prisoners. In January, violence in the Tacumbu and Emboscada prisons left six inmates dead from knife wounds. Corruption among prison guards remained a problem. In September, two guards were accused of assisting a group of 10 prisoners to escape from Tacumbu.

Female prisoners generally were held in separate facilities from male prisoners. Although some smaller institutions held prisoners of both sexes, it was government policy to hold them in separate wings. In December, 19 women who had been moved from the Buen Pastor women's prison to the higher security Emboscada men's prison for alleged misconduct were returned to Buen Pastor after complaining that they had been subjected to inhumane conditions and abuse, including forced prostitution with male inmates. At year's end, the Senate Human Rights Committee was investigating the allegations of abuse and conditions at the prison.

Juvenile prisoners generally were held separately from adults; however, in smaller, regional prisons outside the capital, adults and juvenile prisoners continued to be held together. In November, the Human Rights Committee of the Senate complained that 260 detainees aged 18 to 20 who were transferred from the Panchito Lopez juvenile detention facility to the Tacumbu Prison were not properly separated from adult prisoners. Despite the Committee's involvement, conditions remained unsatisfactory at year's end.

Pretrial detainees generally were held separately from convicted prisoners.

The Government permitted independent monitoring of prison conditions by human rights organizations. Amnesty International and diplomatic representatives were granted access to prisons for announced and unannounced visits.

d. Arbitrary Arrest or Detention

The Constitution prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours to make a statement; however, arbitrary arrest and detention were problems. The police may arrest persons without a warrant if they catch them in the act of committing a crime, but they must notify a prosecutor. In practice, the authorities did not always comply with these provisions. A few defendants alleged that police arrested them and held them incommunicado for days.

The main police agency is the National Police, which is under the authority of the Minister of Interior. The police were inadequately funded, poorly trained, and generally corrupt. The Government took steps to control and punish human rights violations committed by police officers; however, the police enjoyed impunity for many of their actions. There were reports that police were involved in narcotics trafficking and provided support to the more notorious kidnapping rings. On October 28, the National Police Chief announced the dismissal of 60 police officers for acts of corruption, citing the dismissals as an example of a zero tolerance policy with regard to police corruption.

The overall crime rate fell, and police made arrests in a number of high-profile cases, such as kidnappings. A new 911 system for reporting emergencies to police generated positive results.

The Penal and Criminal Procedures Code provides that, after making an arrest, police have up to 6 hours to notify the Prosecutor's Office, at which point the Prosecutor's Office has up to 24 hours to notify a judge whether it will prosecute the case.

The average time from arrest to trial was approximately 240 days. The Constitution permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurred in practice. The law allows judges to utilize "substitute measures," such as house arrest, in place of bail for most crimes; however, judges frequently set relatively high bail, and many accused persons were unable to post bond. Pretrial detainees constituted approximately 75 percent of the prison population. Supreme Court justices and staff and many criminal court judges made periodic visits to the prisons to identify and release improperly detained individuals.

The law grants accused criminals the right to counsel; however, the Government lacked the resources to provide counsel to poor defendants, and many continued to go to trial without representation. The Government permitted defendants to hire attorneys at their own expense. Inmates were allowed regular visits from family members, including conjugal visits.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, courts remained inefficient and subject to corruption and political influence. Politicians and other interested parties often pressured judges, although the judiciary was not allied with any one political group.

The nine-member Supreme Court appoints lower court judges and magistrates, based upon recommendations by the Magistrate's Council. There are five types of appellate tribunals: Civil and commercial, criminal, labor, administrative, and juvenile. Minor courts and justices of the peace come within four functional areas: Civil and commercial, criminal, labor, and juvenile. The military has its own judicial system.

The Constitution stipulates that all defendants have the right to an attorney, at public expense if necessary; however, this right often was not respected in practice. Many destitute suspects received little legal assistance, and few had access to an attorney sufficiently in advance of the trial to prepare a defense. The 148 public defenders in the country, including 44 in Asuncion, lacked the resources to perform their jobs adequately.

The Penal Procedures Code introduced expedited oral proceedings and requires prosecutors to bring charges against accused persons within 180 days. Defendants enjoy a presumption of innocence, and defendants and the prosecutor may present the written testimony of witnesses as well as other evidence. The judge alone determines guilt or innocence and decides punishment. A convicted defendant may appeal his or her sentence to an appeals court, and the Supreme Court has jurisdiction over constitutional questions.

In late 2003, as the first step in an effort to combat corruption in the judicial system, four justices of the Supreme Court resigned under pressure, and two were impeached and removed for corruption. Following a public consultation process, in which several civil society organizations vetted the nominees, the Senate chose, and the President appointed, six new justices as replacements.

In July, the Attorney General suspended Judge Hugo Sosa Pasmor and ordered him to go before a review board. Sosa had ordered financial crimes charges dropped against several individuals accused of looting Banco Oriental during its failure in 2001 and never declared a conflict of interest stemming from his friendship with one of the defendants.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits police entry into private homes except to prevent a crime in progress or when the police possess a judicial warrant; however, at times, the Government infringed on citizens' privacy rights. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists claimed that local officials and police officers abused their authority by entering homes or businesses without warrants and harassing private citizens. There were allegations that some government offices occasionally spied on individuals and monitored communications for partisan or personal reasons. In September, authorities arrested three police officers in Fernando de la Mora for extortion and running a protection scheme with small businesses.

Over the past several years, the Government has established review procedures for military conscripts to prevent enlistment of minors and to investigate and report on abuses and conditions. During the year, the Government required all military officers responsible for recruiting to ensure that all conscripts met the legally minimum mandated requirement age of 18 for military service. The armed forces also had a human rights office responsible for helping NGOs investigate alleged uses of forged documents and illegal recruiting practices. In October, the Government's Inter-Institutional Committee on Human Rights, including judges, attorneys, legislators, and NGO representatives, visited military bases around the country to inspect conscripts' records and did not identify any minor soldiers. Although there were continued reports of mistreatment of conscripts during the year, the Inter-Institutional Committee reported that treatment and conditions improved considerably.

The Constitution provides for the deferral of military service for conscientious objectors, but there is no legal framework to guide the military's treatment of those claiming the status. Approximately 112,000 conscripts have been recognized as conscientious

objectors since 1993. The Human Rights Commission of the Chamber of Deputies reported that it received 20 claims of conscientious objector status per day.

In May, the Government expropriated land in Marquetalia invaded a year earlier by squatters from San Lorenzo and turned it over to the squatters.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

The print and electronic media were independently owned; some media outlets were tied closely to political parties or business entities. Many media outlets clearly reflected personal business or political interests, and ethical and professional standards were low. The media commonly criticized the Government and freely discussed opposition viewpoints.

In July, members of the youth wing of the Colorado Party, led by Raul Sanchez, beat and choked Daniel Duarte, a photographer from the daily La Nacion, when he attempted to take a photograph at one of their meetings. The parties reached a private settlement, and no criminal charges were filed.

In August, policeman Alfredo Mino beat a photographer from the Ciudad del Este daily Vanguardia when the photographer took his picture as a reporter questioned him about a search he had performed without obtaining a warrant.

Application of libel law was irregular. Judges were biased toward plaintiffs and frequently ruled in their favor regardless of the merits of a case. Several political figures sued journalists for libel or defamation during the year. A prominent Senator from the ruling Colorado Party, who sued the leading daily newspaper, ABC Color, for defamation, was awarded \$100,000 (6.0 million guaranies). It was the fifth time in 5 years the Senator had sued the newspaper. Other political figures used police or private security officers to threaten or intimidate journalists.

On several occasions, politicians and prosecutors issued public death threats to journalists who revealed embarrassing information about them, typically related to corruption.

The Inter-American Court of Human Rights awarded \$35,000 in damages to journalist Ricardo Canese, who was imprisoned without trial in 1992 after losing a libel suit by then-presidential candidate Juan Carlos Wasmosy.

The Government did not restrict use of the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice; however, in some cases, police used violent force against illegal but nonviolent assemblies.

The law restricts demonstrations in Asuncion to certain times and places and specifically prohibits meetings or demonstrations in front of the presidential palace and outside military or police barracks. Some groups opposed these restrictions. The law also requires that organizers notify the Asuncion police 24 hours before any rally downtown. In addition, the law prohibits public gatherings in the congressional plaza in Asuncion, the traditional focal point for many demonstrations, during daylight hours on workdays. The police may ban a demonstration but must provide written notification of the ban within 12 hours of receipt of the organizers' request. The law permits a police ban only if another party already has given notice of plans for a similar rally at the same place and time. This law does not apply to religious processions. The Constitution prohibits closing roads as a form of protest; however, demonstrators did so on many occasions during the year.

Several campesino organizations held demonstrations throughout the year. Members blocked several national highways, and campesinos invaded and occupied numerous rural properties, calling on the Government to expropriate farmland for redistribution. Although the Government sought to avoid violent confrontations, violence between security forces and protesters erupted on several occasions, which resulted in deaths on both sides.

The Constitution provides for the right of all citizens to free association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The

Government required that all religious groups register with the Ministry of Education and Culture but imposed no controls on these groups, and many unregistered churches existed.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Authorities frequently prohibited those accused of crimes from leaving the country and, on occasion, barred those convicted of crimes from traveling abroad after completing their sentences. The Constitution expressly prohibits exile, and the Government did not use it. Several individuals accused of offenses have fled the country and referred to themselves as exiles. In June, Lino Oviedo, the former general now imprisoned for coup plotting in the late 1990s, as well as several of his associates, returned from self-imposed exile.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared prosecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. In October 2003, a new National Commission for Refugees, an office of the Foreign Ministry created with the assistance of the UNHCR, adjudicated its first asylum applications.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution and the Electoral Code mandate general elections every 5 years with voting by secret ballot.

In the April 2003 presidential and congressional elections, multiple parties and candidates contested the country's leadership positions. Five parties won representation in Congress, and the opposition Liberal Party won several of the departmental governorships. Debate in Congress was free and frank, and the Congress often rejected the executive branch's proposals. The Senate was under the control of the opposition parties, and an alliance of five opposition parties and dissident members of the governing Colorado Party controlled the Chamber of Deputies.

Observers from the Organization of American States characterized the April 2003 elections as free and fair. There were no reports of systematic nationwide irregularities, although Transparency Paraguay, an NGO, cited irregularities at several polling stations. Turnout was approximately 70 percent. For the first time in a national election, about half of the electorate cast ballots on electronic voting terminals, which were less prone to manipulation than paper ballots. The highest electoral court ruled that future elections would be conducted with electronic machines at all stations.

There were several reports of political intimidation of prosecutors attempting to investigate official corruption. In June, Ciudad del Este prosecutor Amilcar Ayala reportedly received death threats related to his investigation into smuggling and falsification of video games. The prosecutor's office stated that it believed the threats came from corrupt officials in Customs, but no formal investigation took place. Ayala himself has been implicated in corruption cases.

Miguel Corrales, a member of the Chamber of Deputies, threatened to use his position as a congressional representative on the Magistrates' Review Board to impeach a prosecutor who ordered Corrales' son to take a breathalyzer test. In response to political pressure, Corrales requested an indefinite leave of absence—tantamount to resignation—from the board.

The Government signed a number of agreements with civil society organizations to promote transparency in the public sector. The Ministry of Finance signed agreements with three local NGOs and the National Council for the Implementation of the National Integrity System to strengthen the Council's work. NGOs obtained information regarding the government's royalty transfers to local governments to promote greater oversight of the use of such transfers. However, in another case, Transparency Paraguay, which had been asked by the Government to promote transparency and provide oversight of procurement by the national oil company, removed itself from monitoring the company after it had difficulties in gaining access to information.

There are no legal impediments to women's participation in government and politics. There were 11 women in Congress (4 of 45 senators and 7 of 80 national deputies), 1 woman on the Supreme Court, 1 woman elected as a departmental governor, and 3 women headed government ministries. The Electoral Code requires that 20 percent of each party's candidates in their internal primaries for elective office be women.

Members of indigenous groups are entitled to vote, and the percentage of indigenous people who exercised this right continued to grow. The national electoral court estimated that 50 percent of the approximately 40,000 indigenous people eligible to vote did so in the 2003 general elections. The court attributed the increase to its voter education campaign and political parties' voter assistance initiatives. The inhabitants of some indigenous communities reported that they were threatened and prohibited from fully exercising their political rights.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, the Government had a mixed record in cooperating with or responding to recommendations from such groups.

Local NGO human rights groups included the Committee of Churches (an interdenominational group that monitored human rights, investigated refugee claims, and provided legal assistance), Luna Nueva (a group dedicated to the protection of children's rights), and Peace and Justice Service or SERPAJ (a group that defended conscientious objectors and provided legal assistance to those with grievances arising from military service). CODEHUPY's annual report highlighted abuses of police authority and mistreatment of military recruits.

In October 2003, Ombudsman Paez Monges was re-appointed for a second 2-year term as the country's human rights advocate.

The Director General of Human Rights, located in the Ministry of Justice and Labor, chaired the National Commission on Human Rights. The Commission sponsored seminars to promote human rights awareness. The Director General's office has access to the congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial power, but the Commission may forward information concerning human rights abuses to the Attorney General for action. It served as a clearinghouse for information on human rights and trained thousands of educators in human rights law.

The Human Rights Office of the Foreign Ministry organized an inter-ministerial roundtable on human rights that met periodically throughout the year. It served as a forum for human rights officials from various ministries to coordinate their efforts and focused principally on combating trafficking in persons.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution and other laws prohibit discrimination based on race, sex, disability, language, or social status; however, certain groups, such as indigenous people, faced significant discrimination in practice.

Women

The most pervasive violations of women's rights involved sexual and domestic abuse, which were underreported. Spousal abuse was common. Although the Penal Code criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal and then is punishable only by a fine. Thousands of women were treated for injuries sustained in violent domestic altercations. In recent years, there has been a trend toward the increased reporting of complaints, although statistics were unreliable.

According to women's rights activists, official complaints rarely were filed or were withdrawn soon after filing due to spousal reconciliation or family pressure. In addition, the courts allow for mediation of some family violence cases, although the law does not include this provision. The Secretariat of Women's Affairs' Office of Care and Orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the Attorney General's office, and NGOs. In practice, these services were available only in Asuncion. The Secretariat also conducted training courses for the police, health care workers, prosecutors, and others.

The Women's November 25th Collective, an NGO, operated a reception center where female victims of violence received legal, psychological, and educational assistance. The NGO Kuna Aty also offered services to abused women. No shelters for battered and abused women were available outside of Asuncion.

The law makes rape, including spousal rape, illegal and provides penalties of up to 6 years in prison. The Government generally prosecuted rape allegations that were reported; however, many rapes went unreported because victims feared their attackers or were concerned that the law did not provide adequate respect for their privacy.

The law prohibits the sexual exploitation of women, but the authorities did not enforce the prohibition effectively. Prostitution by adults is legal for persons over the age of 18, and exploitation of women, particularly underage prostitutes, remained a serious problem.

The Labor Code prohibits but does not criminalize sexual harassment, and it remained a problem for many women in the workplace. Claims of abuse may be filed with the courts and the Ministry of Justice and Labor, but most complaints were settled privately.

Women generally enjoyed the same legal status and rights as men. Sex-related job discrimination was widespread and widely tolerated. The Secretariat of Women's Affairs occasionally sponsored programs intended to give women free and equal access to employment, social security, housing, ownership of land, and business opportunities.

Women had higher illiteracy rates than men. In 2003, an estimated 7 percent of women were illiterate, compared with 5 percent of men. In addition, maternal mortality rates were high, and as many as 65 percent of such deaths were related to poor health care. Several groups worked to improve conditions for women, including Women for Democracy, which was active in civic and electoral education. Other groups included Sumando, an NGO that promoted educational reform and voter participation in elections, and the Women's Education and Research Service, which focused on women, public policy, and the participation of women in local development.

Children

The Constitution protects certain children's rights and stipulates that parents and the State should care for, feed, educate, and support children.

Public schooling was provided through the age of 17, and education was compulsory until the age of 14. According to UNICEF, the rate of enrollment for children between the ages of 6 and 14 was 88 percent in 2003; the rate of enrollment for children between the ages of 15 and 17 was 31 percent. Boys and girls legally are entitled to equal access to education; at all ages, enrollment among girls was slightly greater than enrollment among boys. Rates of enrollment in urban areas were slightly higher than rates of enrollment in rural areas. The greatest area of inequality was between indigenous and non-indigenous children; only 59 percent of indigenous children between the ages of 6 and 14 were enrolled in school. According to UNICEF, the national literacy rate was 94 percent.

A 2003 survey reported that 42 percent of children age 14 or younger lived in poverty, and 11 percent of those suffered from chronic malnutrition, with both figures trending upward. Boys and girls generally had equal access to medical care.

Abuse and neglect of children was a problem. A local NGO attributed a rise in the number of complaints of mistreatment of children to the increased awareness of child abuse and neglect.

Sexual exploitation of children also was a problem. In its most recent survey, released in 2001, the NGO, AMAR, identified 619 child victims of sexual exploitation, the vast majority of whom lived in Asuncion and Ciudad del Este. Approximately 33 percent of the victims were under the age of 16.

The 2001 Child and Adolescent Law created a Child and Adolescent Secretariat and required municipalities to create a new office to promote the rights of children and adolescents. The Secretariat, although now funded, has not been effective; however, since 2001, the number of municipalities with Child and Adolescent offices increased from 60 to approximately 120.

There were reports of trafficking in girls for the purpose of sexual exploitation (see Section 5, Trafficking).

There continued to be reports of the conscription of underage youth (see Section 1.f.), and, at year's end, an NGO and members of Congress were seeking to investigate allegations that the problem persisted.

Trafficking in Persons

The Constitution proscribes and the Penal Code criminalizes trafficking in persons; however, there were sporadic reports of trafficking to, from, and within the country for sexual purposes.

The Penal Code punishes trafficking in persons with up to 10 years in prison; the Code also outlaws compelling anyone to travel outside the country or to enter the country for the purpose of prostitution or compelling a minor under 18 years of age to work as a prostitute.

The Secretariats of Women's Affairs and of Children and Adolescents were responsible for combating trafficking, and the Secretariat for Repatriations had a mandate to assist women who were trafficked abroad; however, the Secretariats' small budgets limited their effectiveness. The Government's primary focus was on the repatriation of its own citizens.

The country was a source for trafficked persons, and trafficking also took place within the country. Anecdotal evidence suggested that several hundred women and children were trafficked abroad annually. There were no estimates available on the extent of trafficking within the country. Most victims came from the rural interior of the country, particularly the departments of Alto Parana, Canindeyu, and Caaguazu. Within the country, victims were trafficked primarily to the two largest cities, Asuncion and Ciudad del Este; the most significant foreign destinations were Argentina and Spain; smaller numbers of victims went to Brazil. Trafficking victims within the country worked in the sex industry. Underage girls reportedly also were forced to work as domestic servants, both domestically and in neighboring countries. Studies showed that most of the girls trafficked were working as street vendors when traffickers targeted them and that 70 percent of victims had drug addictions.

In February, police in Ciudad del Este broke up a Taiwanese-run network that smuggled underage women between the country and Brazil. Authorities arrested six Taiwanese nationals.

In March, police arrested several Chinese nationals attempting to smuggle a group of Bolivian women into the country.

In June, Spanish police discovered more than 50 Paraguayan women working at brothels. The women claimed to have been trafficked by a group of men in Villarica promising them work in Spain as supermarket clerks. Two of the women escaped and returned home, where they reported the incident to the local police. Two of the traffickers were convicted and sentenced to 6 years in prison.

On several occasions, Argentine police rescued Paraguayan women from Buenos Aires brothels, where they had been forced to work as prostitutes.

The Ministry of Foreign Affairs organized several interministerial roundtables to discuss trafficking in persons, and sponsored the visit of the U.N. Commission on Human Rights' Special Rapporteur on the sale of children, child prostitution and child pornography. In October, the city of Asuncion sponsored a daylong conference on trafficking, featuring presentations by government ministries, NGOs, and international organizations.

The Itaipu Binational Authority, a public utility company jointly owned by the country and Argentina, supported the NGO Children's and Adolescents' Care and Assistance Center, which ran a hotline and shelter for trafficking victims in Ciudad del Este. The International Labor Organization continued work on a study of child sexual exploitation in the tri-border area.

Persons with Disabilities

The Constitution provides for equal opportunity for persons with disabilities and mandates that the State provide them with health care, education, recreation, and professional training. It further requires that the State formulate a policy for the treatment, rehabilitation, and integration into society of persons with disabilities; however, the Congress never enacted legislation to establish such programs or provided appropriate funding. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for persons with disabilities, and the vast majority of the country's buildings, both public and private, were inaccessible.

The Ministry of Health noted that half of all children with disabilities did not attend school because public buses could not accommodate them. Many bus drivers reportedly refused boarding to persons with disabilities or required them to be accompanied.

Conditions at the Neuropsychiatric Hospital in Asuncion were substandard, and some patients reportedly were kept unclothed in cells and were not treated for their mental illnesses. The physical facilities of the hospital lacked running water, electricity, or even roofs, and the hospital was severely understaffed. The patients were not fed adequately, in many cases receiving only bread or crackers and tea. Parasitic and skin infections were widespread and rarely treated. Children were housed with adults in the facility and were subject to sexual assaults from older patients. President Duarte made several unannounced inspections of the hospital and replaced a series of hospital directors for incompetence and corruption. In March, a team from the Inter-American Human Rights Commission inspected the hospital. The First Lady took a strong interest in the hospital, overseeing kitchen renovations and the donation of clothing and bedding.

Indigenous People

The Constitution provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population (numbering more than 89,000, according to 2002 census data) was unassimilated and neglected. Low wages, long work hours, infrequent payment (or nonpayment) of wages, job insecurity, lack of access to social security benefits, and racial discrimination were common. Weak organization and lack of financial resources limited access by indigenous people to the political and economic system. The Constitution also protects the property interests of indigenous people, but these rights were not codified fully. The Constitution allows Public Ministry officials to represent indigenous people in matters involving the protection of life and property.

Lack of access to sufficient land hindered the ability of indigenous groups to progress economically and maintain their cultural identity. In addition, there was insufficient police and judicial protection from persons encroaching on indigenous lands. Many indigenous people found it difficult to travel to the capital to solicit land titles or process the required documentation for land ownership.

Other significant problems facing the indigenous population included lack of shelter and medical care, economic displacement resulting from other groups' development and modernization, and malnutrition. Scarce resources and limited government attention slowed progress in dealing with these problems.

In August, CODEHUPY reported that armed men forcefully evicted 43 families of the Kelyenmagategma community from their lands in the Department of Presidente Hayes and that a private company seized their land. It further reported that the families had not found new homes and were living without shelter. In October, the Inter-American Court of Human Rights ruled that the Government should take steps to protect and assist the community, conduct a criminal investigation, and return the families to

their ancestral lands. The Government provided security personnel to protect the community and building materials to construct basic shelter and met with the community to discuss a possible criminal investigation and the eventual return of the families to their ancestral lands.

Section 6 Worker Rights

a. The Right of Association

The Constitution allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions without government interference, and workers exercised this right in practice. The Constitution contains several provisions that protect fundamental worker rights, including an anti-discrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right to strike. Approximately 121,000, or 15 percent, of workers were organized in approximately 1,600 unions.

In general, unions were independent of the Government and political parties. One of the country's three labor centrals, the Confederation of Paraguayan Workers (CPT), was aligned closely with the ruling Colorado Party.

All unions must be registered with the Ministry of Justice and Labor. Although the official registration process was cumbersome and could take a year or more due to government bureaucracy, the Ministry of Justice and Labor issued provisional registrations within weeks of application. Employers who wish to oppose the formation of a union can delay union recognition by filing a writ opposing it. However, almost all unions that requested recognition eventually received it.

The Constitution prohibits anti-union discrimination, but the law was not always enforced. The harassment of some union organizers and leaders in the private sector continued. Fired union leaders may seek redress in the courts, but the labor tribunals were slow to respond to complaints. A number of cases involving union leaders fired as many as 9 years ago remained pending in the courts. Although the courts typically favored employees in disputes, backlogs in the judicial system delayed cases for several years. As a result, most employees could not afford the time and expense of seeking judicial redress. The courts were not required to order the reinstatement of workers fired for union activities. In some cases, when judges ordered the reinstatement of discharged workers, employers continued to disregard the court order with impunity. The failure of employers to meet salary payments also frequently precipitated labor disputes.

There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. There were several cases of workers who allegedly chose not to protest due to fear of reprisal or anticipation of government inaction.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and this provision was generally respected in practice. According to the Ministry of Justice and Labor, there were approximately 30 collective bargaining agreements in place, covering approximately 10 percent of private sector employees and 60 percent of public sector employees; however, the agreements typically did little more than reaffirm minimum standards established by law. When wages were not set in free negotiations between unions and employers, they were made a condition of individual offers of employment.

The Constitution provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism rarely was employed. Senior Ministry of Labor officials were available to mediate disputes.

There were numerous strikes by members of all three worker centrals and smaller unions. Many of the strikes were related to the firing of union officials, management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as payment of the minimum wage or contribution to the social security system. Others were directed at broader economic issues.

There are no export processing zones. Maquiladora factories, which assemble imported parts for re-export, operated in the eastern part of the country. The Mercosur trade association accepted the country's maquiladora factories into its automotive regime. The country's labor laws apply to maquila operators.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, cases of abuse of national service obligations (compulsory military service for all males, unless exempted as conscientious objectors) occurred, as there were reports of conscripts forced to work as construction workers for military officers in their privately owned businesses.

d. Prohibition of Child Labor and Minimum Age for Employment

The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws; however, in general, the Government did not enforce minimum working age regulations, and child labor was a problem. Minors between 15 and 18 years of age may work only with parental authorization and may not be employed in dangerous or unhealthy conditions. Children between 14 and 15 years of age may work only in family enterprises, agriculture, or apprenticeships. The Labor Code prohibits work by children under 14 years of age.

According to 2001 census data, 5 percent of the workforce was under the age of 14. The Statistics Bureau reported that from August to December 2000, 55 percent of boys between the ages of 10 and 19 worked. According to the NGO Coeti, 265,000 children, or 13.6 percent of children between the ages of 5 and 17, worked outside their homes, many in unsafe conditions. In supermarkets, boys as young as age 7 bagged groceries and carried them to customers' cars. They were not employees of the stores and received no compensation other than tips. In August, several such boys died in a supermarket fire. Thousands of children in urban areas, many of them younger than 12 years of age, were engaged in informal employment, such as selling newspapers and sundries and cleaning car windows. Many of the children who worked on the streets suffered from malnutrition and disease and lacked access to education. Some employers of the estimated 11,500 young girls working as domestic servants or nannies denied them access to education and mistreated them. In rural areas, children as young as 10 years of age often worked beside their parents in the field; according to Coeti, 88 percent of rural children in the labor force worked at home or with family members. Local human rights groups did not regard families harvesting crops together as an abuse of child labor.

e. Acceptable Conditions of Work

The executive, through the Ministry of Justice and Labor, established a private sector minimum wage sufficient to maintain a minimally adequate standard of living for a worker and family. There was no public sector minimum wage. In practice, most (but not all) government agencies adjusted the hours of work for government workers to be paid at a rate comparable to the private sector minimum wage. The minimum salary is adjusted whenever annual inflation exceeds 10 percent, and has been approximately \$162 (972,000 guaranies) per month since 2002. However, the Ministry of Justice and Labor was unable to enforce the minimum wage and estimated that 50 percent of workers earned less. The Labor Code requires that domestic workers be paid at least 40 percent of the minimum wage and allows them to work up to a 12-hour day.

The Labor Code allows for a standard legal workweek of 48 hours (42 hours for night work), with 1 day of rest. The law also provides for an annual bonus of 1 month's salary and a minimum of 6 vacation days a year. The law requires overtime payment for hours in excess of the standard. However, many employers violated these provisions in practice. There are no prohibitions on excessive compulsory overtime. Workers in the transport sector routinely staged strikes to demand that their employers comply with the Labor Code's provisions on working hours, overtime, and minimum wage payments.

The Labor Code also stipulates conditions of safety, hygiene, and comfort. The Government did not devote sufficient resources to the Ministry of Justice and Labor and the Ministry of Health to enforce these provisions effectively.

Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, but they may not do so until the Ministries of Justice and Labor and Health recognized such conditions formally. Although there are laws intended to protect workers who file complaints about such conditions, many employers reportedly took disciplinary action against them.

In the wake of the August 1 fire at the Ycua Bolanos supermarket in Asuncion (see Section 6.d.), the national and municipal governments began a campaign to ensure the safety of supermarkets and shopping centers, in particular, requiring them to install more emergency exits and to ensure that they were accessible to customers and to employees.